

105TH CONGRESS  
1ST SESSION

# S. 370

To amend title XVIII of the Social Security Act to provide for increased medicare reimbursement for nurse practitioners and clinical nurse specialists to increase the delivery of health services in health professional shortage areas, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

FEBRUARY 27, 1997

Mr. GRASSLEY (for himself, Mr. CONRAD, and Mr. HOLLINGS) introduced the following bill; which was read twice and referred to the Committee on Finance

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## A BILL

To amend title XVIII of the Social Security Act to provide for increased medicare reimbursement for nurse practitioners and clinical nurse specialists to increase the delivery of health services in health professional shortage areas, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Primary Care Health  
5 Practitioner Incentive Act of 1997”.

1 **SEC. 2. INCREASED MEDICARE REIMBURSEMENT FOR**  
 2 **NURSE PRACTITIONERS AND CLINICAL**  
 3 **NURSE SPECIALISTS.**

4 (a) REMOVAL OF RESTRICTIONS ON SETTINGS.—

5 (1) IN GENERAL.—Section 1861(s)(2)(K)(ii)  
 6 of the Social Security Act (42 U.S.C.  
 7 1395x(s)(2)(K)(ii)) is amended to read as follows:

8 “(ii) services which would be physicians’ serv-  
 9 ices if furnished by a physician (as defined in sub-  
 10 section (r)(1)) and which are performed by a nurse  
 11 practitioner or clinical nurse specialist (as defined in  
 12 subsection (aa)(5)) which the nurse practitioner or  
 13 clinical nurse specialist is legally authorized to per-  
 14 form by the State in which the services are per-  
 15 formed, and such services and supplies furnished as  
 16 an incident to such services as would be covered  
 17 under subparagraph (A) if furnished incident to a  
 18 physician’s professional service;”.

19 (2) CONFORMING AMENDMENTS.—

20 (A) Section 1861(s)(2)(K) of such Act (42  
 21 U.S.C. 1395x(s)(2)(K)), as amended by para-  
 22 graph (1), is amended—

23 (i) in clause (i), by inserting “and  
 24 such services and supplies furnished as in-  
 25 cident to such services as would be covered  
 26 under subparagraph (A) if furnished as an

1 incident to a physician’s professional serv-  
 2 ice, and” after “are performed,”; and

3 (ii) by striking clauses (iii) and (iv).

4 (B) Section 1861(b)(4) of such Act (42  
 5 U.S.C. 1395x(b)(4)) is amended by striking  
 6 “clauses (i) or (iii) of subsection (s)(2)(K)” and  
 7 inserting “subsection (s)(2)(K)”.

8 (C) Section 1862(a)(14) of such Act (42  
 9 U.S.C. 1395y(a)(14)) is amended by striking  
 10 “section 1861(s)(2)(K)(i) or 1861(s)(2)(K)(iii)”  
 11 and inserting “section 1861(s)(2)(K)”.

12 (D) Section 1866(a)(1)(H) of such Act (42  
 13 U.S.C. 1395cc(a)(1)(H)) is amended by strik-  
 14 ing “section 1861(s)(2)(K)(i) or  
 15 1861(s)(2)(K)(iii)” and inserting “section  
 16 1861(s)(2)(K)”.

17 (b) INCREASED PAYMENT.—

18 (1) FEE SCHEDULE AMOUNT.—Section  
 19 1833(a)(1)(O) of the Social Security Act (42 U.S.C.  
 20 1395l(a)(1)(O)) is amended to read as follows: “(O)  
 21 with respect to services described in section  
 22 1861(s)(2)(K)(ii) (relating to nurse practitioner or  
 23 clinical nurse specialist services), the amounts paid  
 24 shall be equal to 80 percent of (i) the lesser of the  
 25 actual charge or 85 percent of the fee schedule

1 amount provided under section 1848 for the same  
 2 service provided by a physician who is not a special-  
 3 ist; or (ii) in the case of services as an assistant  
 4 at surgery, the lesser of the actual charge or 85 per-  
 5 cent of the amount that would otherwise be recog-  
 6 nized if performed by a physician who is serving as  
 7 an assistant at surgery, and”.

8 (2) CONFORMING AMENDMENTS.—

9 (A) Section 1833(r) of such Act (42  
 10 U.S.C. 1395l(r)) is amended—

11 (i) in paragraph (1), by striking “sec-  
 12 tion 1861(s)(2)(K)(iii) (relating to nurse  
 13 practitioner or clinical nurse specialist  
 14 services provided in a rural area),” and in-  
 15 serting “section 1861(s)(2)(K)(ii) (relating  
 16 to nurse practitioner or clinical nurse spe-  
 17 cialist services),”;

18 (ii) by striking paragraph (2);

19 (iii) in paragraph (3), by striking  
 20 “section 1861(s)(2)(K)(iii)” and inserting  
 21 “section 1861(s)(2)(K)(ii)”; and

22 (iv) by redesignating paragraph (3) as  
 23 paragraph (2).

24 (B) Section 1842(b)(12)(A) of such Act  
 25 (42 U.S.C. 1395u(b)(12)(A)) is amended in the

1 matter preceding clause (i), by striking “clauses  
 2 (i), (ii), or (iv) of section 1861(s)(2)(K) (relat-  
 3 ing to a physician assistants and nurse practi-  
 4 tioners)” and inserting “section  
 5 1861(s)(2)(K)(i) (relating to physician assist-  
 6 ants)”.

7 (c) DIRECT PAYMENT FOR NURSE PRACTITIONERS  
 8 AND CLINICAL NURSE SPECIALISTS.—

9 (1) IN GENERAL.—Section 1832(a)(2)(B)(iv) of  
 10 the Social Security Act (42 U.S.C.  
 11 1395k(a)(2)(B)(iv)) is amended by striking “pro-  
 12 vided in a rural area (as defined in section  
 13 1886(d)(2)(D))”.

14 (2) CONFORMING AMENDMENT.—Section  
 15 1842(b)(6)(C) of such Act (42 U.S.C.  
 16 1395u(b)(6)(C)) is amended—

17 (A) by striking “clauses (i), (ii), or (iv)”  
 18 and inserting “clause (i)”; and

19 (B) by striking “or nurse practitioner”.

20 (d) BONUS PAYMENT FOR SERVICES PROVIDED IN  
 21 HEALTH PROFESSIONAL SHORTAGE AREAS.—Section  
 22 1833(m) of such Act (42 U.S.C. 1395l(m)) is amended—

23 (1) by inserting “(1)” after “(m)”; and

24 (2) by adding at the end the following new  
 25 paragraph:

1       “(2) In the case of services of a nurse practitioner  
 2 or clinical nurse specialist furnished to an individual, de-  
 3 scribed in paragraph (1), in an area that is a health pro-  
 4 fessional shortage area as described in such paragraph,  
 5 in addition to the amount otherwise paid under this part,  
 6 there shall also be paid to such service provider (on a  
 7 monthly or quarterly basis) from the Federal Supple-  
 8 mentary Medical Insurance Trust Fund an amount equal  
 9 to 10 percent of the payment amount for the service under  
 10 this part.”.

11       (e) DEFINITION OF CLINICAL NURSE SPECIALIST  
 12 CLARIFIED.—Section 1861(aa)(5) of such Act (42 U.S.C.  
 13 1395x(aa)(5)) is amended—

14               (1) by inserting “(A)” after “(5)”;

15               (2) by striking “The term “‘physician assist-  
 16 ant’” and all that follows through “who performs”  
 17 and inserting “The term ‘physician assistant’ and  
 18 the term ‘nurse practitioner’ mean, for purposes of  
 19 this title, a physician assistant or nurse practitioner  
 20 who performs”; and

21               (3) by adding at the end the following new sub-  
 22 paragraph:

23       “(B) The term ‘clinical nurse specialist’ means, for  
 24 purposes of this title, an individual who—

1           “(i) is a registered nurse and is licensed to  
2       practice nursing in the State in which the clinical  
3       nurse specialist services are performed; and

4           “(ii) holds a master’s degree in a defined clinical  
5       area of nursing from an accredited educational  
6       institution.”.

7       (f) EFFECTIVE DATE.—The amendments made by  
8       this section shall apply with respect to services furnished  
9       and supplies provided on and after July 1, 1997.

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